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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Bodenhamer et al.

INVENTION: : BIOLOGICAL MATERIAL DETECTING  
ARTICLES OF MANUFACTURE

SERIAL NUMBER : 10/002,402

FILING DATE : October 25, 2001

EXAMINER: : (not assigned yet)

GROUP ART UNIT : 1641

ATTORNEY DOCKET NO. : 1965.021

**RECEIVED**

**JAN 30 2003**

**TECH CENTER 1600/2900**

**PETITION UNDER 37 CFR § 1.102**

**SPECIAL STATUS FOR APPLICATIONS RELATING TO BIOTECHNOLOGY  
FILED BY APPLICANTS WHO ARE SMALL ENTITIES**

CERTIFICATE UNDER 37 CFR 1.8(a)  
I hereby certify that this correspondence is being  
deposited with the U.S. Postal Service as First Class mail  
in an envelope addressed to Commissioner for  
Patents, Washington, D.C. 20231 on 1-22-03

Susan Idoss

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Petition is filed pursuant to 37 CFR §1.102, to request that application S.N.  
10/002,402, related to biotechnology, filed by William T. Bodenhamer et al., a small entity, and  
entitled "BIOLOGICAL MATERIAL DETECTING ARTICLES OF MANUFACTURE" be  
granted "special" status. Authorization is given to charge the undersigned's Deposit Account  
No. 13-0439 in the amount of \$130.00 for the required petition fee under 37 C.F.R. §1.17(h).

Applicant herein states that small entity status has been established for S.N. 10/002,402  
by virtue of filing a fee as a small entity.

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Applicant further states that the subject matter of the application is a major asset of the small entity.

Applicant additionally states that the development of the technology of S.N. 10/002,402 will be significantly impaired if examination of the patent application is delayed.

The application deals with a biological assay material for detecting the presence of particular toxic substances. In a preferred embodiment, the biological assay material is incorporated within an article of manufacture so as to instantly warn the consumer of the presence of such toxic substances as E. Coli, Listeria, etc. Development of the technology to a commercial level requires that an economy of scale be achieved. In order for this to happen, it is incumbent upon applicant to submit some evidentiary materials to various manufacturers of apparel, biological assay materials and the like such that they will feel confident in expanding production of the claimed technology to a point at which it becomes sufficiently inexpensive to be put into widespread use. This will require that examination of the application be accelerated so that the likelihood of obtaining patent protection can be ascertained.

Therefore, Applicant respectfully requests that this petition for "special" status be granted.

On information and belief, this Petition is submitted prior to mailing of an action on the merits.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: Jan 21, 2003

W. T. Bodenhamer  
William T. Bodenhamer

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16418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Bodenhämer et al.  
INVENTION: BIOLOGICAL MATERIAL DETECTING  
ARTICLES OF MANUFACTURE  
SERIAL NUMBER : 10/002,402  
FILING DATE : October 25, 2001  
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TRANSMITTAL LETTER

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Patents, Washington, D.C. 20231 on 1-22-03

Susan H. Hess

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please find enclosed for filing:

- X Petition Under 37 CFR §1.102
- X Please charge Deposit Account No. 13-0439 in the amount of \$130.00 for the petition fee under 37 CFR §1.17(h).
- X Please charge any deficiencies or credit any overpayment to Deposit Account No. 13-0439.

Date: 1/21/2003

Respectfully submitted,

Ferris H. Lander

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